



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 30.11.2016

CORAM:

THE HONOURABLE MR.JUSTICE S.NAGAMUTHU
AND
THE HONOURABLE MR.JUSTICE M.V.MURALIDARAN

H.C.P. (MD) No.1597 of 2016

P.Jothi : Petitioner

Vs.

1.The Inspector of Police,
All Women Police Station,
Lalgudi Taluk,
Trichy District.

2.The Chairman,
Child Welfare Committee,
Keelapalivar Road,
Trichy-2.

: Respondents

Prayer: Petition is filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Habeas Corpus, directing the second respondent to produce the detinue, namely Vinotha, D/o.Rajendran, aged about 14-1/2 years, residing at Dhandapani Colony, Voottathur Village, Lalgudi Taluk, Trichy District the detinue and hand over the custody to the petitioner as the natural guardian.

For Petitioner : Mr.V.Illanchezian
For Respondents : Mr.A.Ramar,
Additional Public Prosecutor

ORDER

(Order of the Court was made by **S.NAGAMUTHU, J.**)

The petitioner is the grandmother of one Vinotha, D/o.Rajendran, aged about 14-1/2 years, who has already lost her father and mother. She was all along kept and maintained by the petitioner. According to the petitioner, on certain false allegations as though the petitioner was making arrangement for the child marriage, she was taken into custody by the authorities and on the orders of the District Child Welfare Committee, now she is kept in the Child Welfare Home. Seeking release of the detinue, the petitioner has come up with this Habeas Corpus Petition.



2. Today, when the Habeas Corpus Petition was taken up for hearing, the detinue was produced before us. She told us that there was no such proposal at all for any marriage for her. She was well brought up only by her grandmother, viz., the petitioner. The petitioner also told that she would keep the detinue and protect her interest. The detinue would state that she wants to continue her education by being in the custody of the petitioner. The said statement is recorded.

3. Having regard to the larger interest of the child and the request made by her and also her wishes, we are inclined to entrust her to the custody of the petitioner with a direction that the petitioner shall not make any arrangement for marriage for the detinue until she attains the marriageable age.

4. The order of the Child Welfare Committee shall stand, accordingly, set aside. The Habeas Corpus Petition is disposed of accordingly.

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Sd/-
Assistant Registrar(crl.side)

/True copy/

Sub Assistant Registrar

To

1.The Inspector of Police,
All Women Police Station,
Lalgudi Taluk,
Trichy District.

2.The Chairman,
Child Welfare Committee,
Keelapalivar Road,
Trichy-2.

3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1cc to Mr.V.Illanchezian, Advocate SR.NO.74624

sml

sm:SK:16/12/2016:2P/5C

Order made in
H.C.P. (MD) No.1597 of 2016
Dated:
30.11.2016